

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:10-cr-181

-vs- : District Judge Timothy S. Black  
DWIGHT DAVID COMBS, Magistrate Judge Michael R. Merz

Defendant.

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**ORDER; REPORT AND RECOMMENDATIONS**

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This case came on for initial appearance pursuant to Fed. R. Crim. P. 32.1. Assistant Federal Defender Cheryll Bennett was appointed to represent the Defendant and appeared with him. Because Defendant's is the custody of the Warden of the Correctional Reception Center (Orient, Ohio), his presence was obtained by writ of habeas corpus ad prosequendum.

Advised of his right to a preliminary hearing, Defendant knowingly, intelligently, and voluntarily waived that right. Advised of his right to a final revocation hearing before Judge Black, he consented to proceed before the Magistrate Judge and knowingly, intelligently, and voluntarily waived his right to a final revocation hearing and admitted the alleged violation, to wit, trafficking in cocaine. The Magistrate Judge recommended that admission be accepted.

This case is set for a status conference in Judge Black's chambers at 10:45 A.M. on

April 7, 2011. The writ of habeas corpus ad prosequendum is dissolved at the request of Defendant and with the consent of the United States.

March 30, 2011.

s/ **Michael R. Merz**  
United States Magistrate Judge

**NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 59, any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).